



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,426	08/21/2001	Wataru Yamatani	7217/65195	8196

530 7590 06/19/2006

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

EXAMINER

ANWAH, OLISA

ART UNIT PAPER NUMBER

2614

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/934,426

Applicant(s)

YAMATANI, WATARU

Examiner

Olisa Anwah

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 2 and 8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-7 and 9-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2614

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-7 and 9-11 are rejected under 35 U.S.C. § 103(a) as being anticipated by Napoles, U.S. Patent No. 5,438,696 (hereinafter Napoles) in view of Metroka et al, U.S. Patent No. 5,117,449 (hereinafter Metroka).

Regarding claim 1, Napoles discloses a portable terminal (see unit 100 from Figure 1) having a load portion, wherein power consumption varies (see abstract) according to a status of operation of the portable terminal, said portable terminal comprising:

a first power supply circuit (see unit 140 from Figure 1);
a second power supply circuit (see unit 175 from Figure 1);

Art Unit: 2614

a determining circuit (see unit 115 from Figure 1) for determining said status of operation of the portable terminal; and

a control circuit (see units 170 and 180 from Figure 1) for effecting control according to said determined status of operation to switch between a first power supply mode (see "when the receiver is disabled" from column 4) wherein said first power supply circuit supplies power to said load portion and second power supply mode (see "when the receiver is enabled" from column 4) where said second power supply circuit supplies power to said load portion,

wherein said control circuit stops a supply of power from said first power supply circuit when a specified time (see "at approximately the same time" from column 4) has passed after starting said second power supply circuit (see Figure 2).

Further regarding claim 1, Napoles fails to teach the portable terminal is a telephone. Regardless, Metroka shows this feature (see abstract). And so, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Napoles with the apparatus of Metroka. This modification would have improved the convenience of Napoles by

Art Unit: 2614

providing a small lightweight device as suggested by both Napoles and Metroka.

Regarding claim 3, see column 4 and Figure 2.

Regarding claim 4, see column 4 and Figure 2.

Regarding claim 5, see column 4 and Figure 2.

Regarding claim 6, see Figure 1.

Regarding claim 7, Napoles discloses a power supply method for a portable terminal (see unit 100 from Figure 1), said portable terminal having a first power supply circuit (see unit 140 from Figure 1), a second power supply circuit (see unit 175 from Figure 1) and a load portion wherein power consumption varies (see abstract) according to the status of operation of the portable terminal, said power supply method comprising the steps of:

determining said status of operation (see unit 225 of Figure 2); and

switching (see Figure 2), according to said determined status of operation, between a first power supply mode (see "when the receiver is disabled" from column 4) wherein said first power supply circuit supplies power to said load portion and a second power supply mode (see "when the receiver is

Art Unit: 2614

enabled" from column 4) wherein said second power supply circuit supplies power to said load portion,

wherein said switching step includes the steps of:

starting said second power supply circuit (see unit 230 from Figure 2);

counting the passage of a specified time after said starting of said second power supply circuit (see "at approximately the same time" from column 4); and

stopping power supply from said first power supply circuit after said counting is finished (see unit 235 from Figure 2).

Further regarding claim 7, Napoles fails to teach the portable terminal is a telephone. Regardless, Metroka shows this feature (see abstract). And so, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Napoles with the apparatus of Metroka. This modification would have improved the convenience of Napoles by providing a small lightweight device as suggested by both Napoles and Metroka.

Regarding claim 9, see column 4 and Figure 2.

Regarding claim 10, see column 4 and Figure 2.

Regarding claim 11, see column 4 and Figure 2.

Art Unit: 2614

Response to Arguments

3. Applicant's arguments have been considered but are deemed to be moot in view of the new grounds of rejection.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 571-272-7533. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 571-273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

C.A.

Olisa Anwah
Patent Examiner
June 9, 2006


FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600